

Remarks

Claims 49 and 50 were pending in this application. Claim 49 is amended to address the informalities identified by the Examiner. Support for this amendment can be found throughout the specification. Claim 49 has also been amended to focus on the subject-matter which the Examiner identified in the Action as being enabled.

No new matter is introduced by the foregoing amendments. After entry of this Amendment, **claims 49 and 50 are pending in this application**. Consideration and allowance of the pending claims is requested.

Claim Objection(s)

In the pending Action, the Office raised various objections to the wording of claim 49. Claim 49 has been amended herein to refer to “*the method comprising*” and “*a Simian Immunodeficiency Virus (SIV) Gag-Pol nucleic acid sequence*”. Applicants believe that claim 49, as presented herein, addresses all of the objections raised in the pending Office action. The Examiner is encouraged to telephone Applicants’ undersigned representative, if any concerns remain about the claim language.

Claim Rejections under 35 USC §112, 1st Paragraph

Claims 49 and 50 were rejected under USC §112(first paragraph) as lacking enablement. The Office alleged that the claimed methods (as previously drafted) were not capable of “delivering” a protein or peptide to an individual. Claim 49 as submitted herewith refers to a method of “expressing” a protein or peptide. The method as recited is capable of expressing a protein or peptide in an individual.

The Office also alleged that more than just Gag-Pol and packaging sequences are required to produce the chimeric virus. Claim 49 as submitted herewith specifies that, in addition to Gag-Pol and packaging sequences, the host cell contains “*SIV accessory genes necessary for viral assembly*” and “*an envelope coding sequence*”. Currently claim 49 therefore recites all the features required to produce the chimeric virus.

The subject-matter of amended claims 49 and 50 was acknowledged to be enabled in the recent Office action (at page 3). Applicants assert that current claims 49 and 50 are enabled and meet all of the requirements of 35 USC §112. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Conclusion

Based on the foregoing amendments and arguments, the pending claims are in condition for allowance, and notification to that effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone the undersigned at the telephone number listed below.

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Respectfully submitted,

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cc: Docketing